

# EXHIBIT “A”

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Civil Action No. 5:12-cv-02088-MMB

MALIBU MEDIA, L.L.C.

Plaintiff,

v.

JOHN DOES 1, 13 and 14,

Defendants.

**PLAINTIFF'S NOTICE OF F.R.C.P. 30(b)(6) CORPORATE DEPOSITION  
OF RECORDS CUSTODIAN FOR COMCAST CABLE COMMUNICATIONS  
HOLDINGS, INC**

PLEASE TAKE NOTICE that on February 6th, 2013 beginning at 9:00 a.m., Plaintiff, MALIBU MEDIA, L.L.C., (hereinafter "Plaintiff"), by its attorneys, will take the deposition upon oral examination of the Records Custodian for COMCAST COMMUNICATIONS HOLDINGS, INC pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure pursuant to attached subpoena.

Dated: December 21, 2012

Respectfully submitted,

FIGORE & BARBER, LLC

By: /s/ Christopher P. Fiore  
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Harleysville, PA 19438  
Tel: (215) 256-0205  
Fax: (215) 256-9205  
Email: [cfiore@fiorebarber.com](mailto:cfiore@fiorebarber.com)  
ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2012, I served a copy of the foregoing upon the persons on the attached service list.

By: /s/ Christopher P. Fiore

**SERVICE LIST**

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The Law Offices of Leonard J. French  
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Allentown, PA 18105  
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*Attorney for Doe 1*

*U.S. Mail and E-Mail*

---

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*Attorney for John Doe 13*

*U.S. Mail and E-Mail*

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*U.S. Mail and E-Mail*

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

**UNITED STATES DISTRICT COURT**  
for the Eastern District of Pennsylvania

Malibu Media, LLC.   <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> John Does 1, 13 and 14,  <p style="text-align: center;"><i>Defendant.</i></p>	<b>Civil Action No. #: 5:12-cv-02088-MMB</b>  UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSLYVANIA
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**SUBPOENA DUCES TECUM WITH 30(b)(6) CORPORATE DEPOSITION  
OF RECORDS CUSTODIAN FOR COMCAST CABLE COMMUNICATIONS  
HOLDINGS, INC**

To: Comcast Corporation  
c/o CT Corporation  
116 Pine Street, Ste 320  
Harrisburg, PA 17101

[X] *Production*: YOU ARE COMMANDED to appear at the time, date, and place set forth below and bring with you the documents responsive to the request set for on Schedule "A", and be prepared to discuss the topics set forth on Schedule "B".

In accordance with Rule 30(b)(6), Fed.R.Civ.P., COMCAST COMMUNICATIONS HOLDINGS, INC., shall designate one or more officers, directors or managing agents, or other persons who are most knowledgeable about the subject matter categories set forth in Exhibit "A". COMCAST COMMUNICATIONS HOLDINGS, INC., is requested to identify the designated witness for each of the subject matter categories set forth in Schedules "A" and "B" to counsel for Plaintiff no later than 5 p.m. EST on January 17, 2013. In addition, COMCAST COMMUNICATIONS HOLDINGS, INC., shall provide the documents responsive to Schedule "A" ten (10) days prior to the date of the deposition or January 25, 2013.

Place: Veritext Court Reporting 25B Vreeland Road Suite 301 Florham Park, NJ 07932	Date and Time: February 6th, 2013 @ 9:00 a.m.
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[ ] *Inspection of Premises*: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

Christopher P. Fiore, Esq., Fiore & Barber, 425 Main Street, Suite 200, Harleysville, PA 19438,  
Telephone: (215) 256-0205 - Email: [cfiore@fiorebarber.com](mailto:cfiore@fiorebarber.com)

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.****(1) Avoiding Undue Burden or Expense; Sanctions.**

A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it

requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.****(1) Producing Documents or Electronically Stored Information.**

These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.**

The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is

privileged or subject to protection as trial preparation material must: (i) expressly make the claim; and (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Schedule A

- (a) Any and all document(s) that refers or relates to or comprises a record that the Defendants received a DMCA notice, including but not limited to the DMCA record.
- (b) A document that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers.
- (c) A document that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers each of the smallest following geographic region PA, West Reading, Reading Venue, 19611.
- (d) Any and all documents that refer, relate to, or comprise records indicating the amount of internet bandwidth used by \_\_\_\_\_ during the past three years. Please provide these records in the smallest time increments that you maintain such records.
- (e) Any and all documents that refer, relate to, or comprise records of any television shows, movies, or any other form of audiovisual performance(s) which your accounts indicate likely may have displayed on \_\_\_\_\_ television (or other device capable of viewing audiovisual performances) during the last three years. For the avoidance of doubt, we are not seeking a schedule of programs generally but instead records which you may possess that indicate which programs or audiovisual performances \_\_\_\_\_ watched.
- (f) A complete copy of each of the terms and use of agreements which were in place between you and \_\_\_\_\_.
- (g) A complete copy of each of the privacy policies which were in place between you and \_\_\_\_\_.
- (h) A complete copy of each of the contracts which have ever been in force between you and \_\_\_\_\_.
- (i) A complete copy of each of the manual(s) provided by you to \_\_\_\_\_ in association with any and all wireless internet router(s) you provided to \_\_\_\_\_.
- (j) A complete copy of each of the instruction(s) provided by you to \_\_\_\_\_ in association with any and all wireless internet router(s) you provided to \_\_\_\_\_.
- (k) A complete copy of each of the manual(s) provided by you to \_\_\_\_\_ in association with the internet service you provided to \_\_\_\_\_, or \_\_\_\_\_ usage thereof.
- (l) A complete copy of each of the instruction(s) provided by you to \_\_\_\_\_ in association with the internet service you provided to \_\_\_\_\_, or \_\_\_\_\_ usage thereof.
- (m) Complete copies of any or all notices, letters, bills, invoices and other Documents that you provided to Defendant.
- (n) Complete copies of any document, including documents on your website, to which Defendant had access, either directly or via the internet, which refers or relates to your policy concerning infringement of intellectual property rights over the internet.
- (o) The process used to correlate the IP address with subscriber after the party has provided the initial subpoenaed information.



Schedule B

- (a) Discussion of document(s) that refers or relates to or comprises a record that the Defendants received a DMCA notice, including but not limited to the DMCA record.
- (b) Discussion of the document(s) that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers.
- (c) Discussion of the document(s) that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' customers in the each of the smallest of the following geographic region PA, West Reading, Reading Avenue, 19611.
- (d) Discussion of document(s) that refers or relates to or indicates the amount of internet bandwidth used by \_\_\_\_\_ during the past three years. Please provide these records in the smallest time increments that you maintain such records.
- (e) Discussion of any and all document(s) that refers, relates to, or comprises records of any television shows, movies, or any other form of audiovisual performance(s) which your records indicate(s) likely may have displayed on \_\_\_\_\_ television (or other device capable of viewing audiovisual performances) during the last three years. For the avoidance of doubt, we are not seeking to discuss a schedule of programs generally but instead to discussion the records which you may possess that indicate which programs or audiovisual performances \_\_\_\_\_ watched.
- (f) Explanation of each of the terms and use agreements which were in place between you and \_\_\_\_\_
- (g) Explanation of each of the privacy policies which were in place between you and \_\_\_\_\_
- (h) Explanation of the contracts which have ever been in force between you and \_\_\_\_\_
- (i) Interpretation of each of the manual(s) provided by you to \_\_\_\_\_ in association with any and all wireless internet router(s) you provided to \_\_\_\_\_
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- (m) Discussion of copies of any all notices, letters, bills, invoices and other Documents that you provided to Defendant.
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- (o) Explanation of the process used to correlate the IP address with subscriber after the party has provided the initial subpoenaed information.

**MON - 24 DEC A1**  
**STANDARD OVERNIGHT**

**FedEx**

TRK# 8017 4882 9827  
0215

17101  
PA-US  
MDT

**ZN MDTA**



Emp# 383643 21DEC12 PNEA 515C1/BZB3/6F03

☐ **FedEx Priority Overnight**  
Next business morning, \*FedEx shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
Emp# 383643 21DEC12 PNEA 515C1/BZB3/6F03

☐ **FedEx Standard Overnight**  
Next business afternoon, \*FedEx shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
Emp# 383643 21DEC12 PNEA 515C1/BZB3/6F03

**5 Packaging** \*Declared value limit \$200.

☒ **FedEx Envelope\*** ☐ **FedEx Pak\*** ☐ **FedEx Box** ☐ **FedEx Tube** ☐ **Other**

**6 Special Handling and Delivery Signature Options**

☐ **SATURDAY Delivery**  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

☒ **No Signature Required**  
Package may be left without containing a signature for delivery.

☐ **Direct Signature**  
Someone at recipient's address may sign for delivery. Fee applies.

☐ **Indirect Signature**  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.

**Does this shipment contain dangerous goods?**

☒ **No** ☐ **Yes**  
One box must be checked.  
☐ **Yes** ☐ **Yes** ☐ **Yes**  
As per attached Shipper's Declaration. Shipper's Declaration required for all dangerous goods. Shipper's Declaration required for all dangerous goods. Shipper's Declaration required for all dangerous goods.

**7 Payment Bill to:**

☒ **Sender** ☐ **Section** ☐ **Recipient** ☐ **Third Party** ☐ **Credit Card** ☐ **Cash/Check**

**Total Packages** **Total Weight** **lbs.**

Your liability is limited to USD\$100 unless you declare a higher value. See the current FedEx Services Guide for details.

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**FedEx** Package  
Express  
US Airbill

8017 4882 9827

**1 From**  
Date **01/21/13**

**Sender Name** **FLUKE & BARBER LLC** **Phone** **215 254-0205**

**Address** **425 MAIN ST STE 200**

**City** **HARLEYSVILLE** **State** **PA** **ZIP** **19438-0311**

**Dept./Floor/Star/Room**

**2 Your Internal Billing Reference**

**3 To**  
**Recipient's Name** **Corrast Corporation** **Phone**

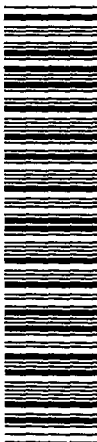
**Address** **1102 Pine Street, Suite 300**

**City** **Harrisburg** **State** **PA** **ZIP** **17101**

**0101258959**

**00052**

**000361**



8017 4882 9827

fedex.com 1.800.GoFedEx 1.800.463.3339

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Civil Action No. 5:12-cv-02088-MMB

MALIBU MEDIA, L.L.C.

Plaintiff,

v.

JOHN DOES 1, 13 and 14,

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PLEASE TAKE NOTICE that on February 6th, 2013 beginning at 9:00 a.m., Plaintiff, MALIBU MEDIA, L.L.C., (hereinafter "Plaintiff"), by its attorneys, will take the deposition upon oral examination of the Records Custodian for COMCAST COMMUNICATIONS HOLDINGS, INC pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure pursuant to attached subpoena.

Dated: December 21, 2012

Respectfully submitted,

FIGORE & BARBER, LLC

By: /s/ Christopher P. Fiore  
Christopher P. Fiore, Esquire  
Aman M. Barber, III, Esquire  
425 Main Street, Suite 200  
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Philadelphia, PA, 19125  
Tel: (215) 385-5291  
Email: Jordan@FishtownLaw.com  
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6525 W. Warm Springs Rd., Ste. 100  
Las Vegas, NV 89118  
Tel: (702) 757-1001  
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Christopher P. Fiore, Esq., Fiore & Barber, 425 Main Street, Suite 200, Harleysville, PA 19438,  
Telephone: (215) 256-0205 - Email: [cfiore@fiorebarber.com](mailto:cfiore@fiorebarber.com)

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Schedule A

- (a) Any and all document(s) that refers or relates to or comprises a record that the Defendants received a DMCA notice, including but not limited to the DMCA record.
- (b) A document that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers.
- (c) A document that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers each of the smallest following geographic region PA, West Reading, Reading Venue, 19611.
- (d) Any and all documents that refer, relate to, or comprise records indicating the amount of internet bandwidth used by \_\_\_\_\_ during the past three years. Please provide these records in the smallest time increments that you maintain such records.
- (e) Any and all documents that refer, relate to, or comprise records of any television shows, movies, or any other form of audiovisual performance(s) which your accounts indicate likely may have displayed on \_\_\_\_\_ television (or other device capable of viewing audiovisual performances) during the last three years. For the avoidance of doubt, we are not seeking a schedule of programs generally but instead records which you may possess that indicate which programs or audiovisual performances \_\_\_\_\_ watched.
- (f) A complete copy of each of the terms and use of agreements which were in place between you and \_\_\_\_\_.
- (g) A complete copy of each of the privacy policies which were in place between you and \_\_\_\_\_.
- (h) A complete copy of each of the contracts which have ever been in force between you and \_\_\_\_\_.
- (i) A complete copy of each of the manual(s) provided by you to \_\_\_\_\_ in association with any and all wireless internet router(s) you provided to \_\_\_\_\_.
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- (k) A complete copy of each of the manual(s) provided by you to \_\_\_\_\_ in association with the internet service you provided to \_\_\_\_\_, or \_\_\_\_\_ usage thereof.
- (l) A complete copy of each of the instruction(s) provided by you to \_\_\_\_\_ in association with the internet service you provided to \_\_\_\_\_, or \_\_\_\_\_ usage thereof.
- (m) Complete copies of any or all notices, letters, bills, invoices and other Documents that you provided to Defendant.
- (n) Complete copies of any document, including documents on your website, to which Defendant had access, either directly or via the internet, which refers or relates to your policy concerning infringement of intellectual property rights over the internet.
- (o) The process used to correlate the IP address with subscriber after the party has provided the initial subpoenaed information.

Schedule B

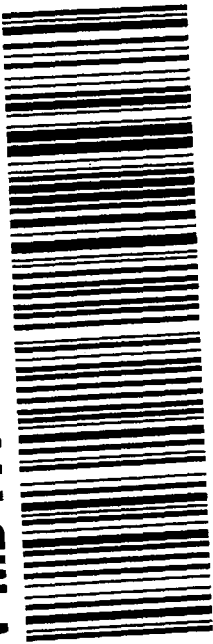
- (a) Discussion of document(s) that refers or relates to or comprises a record that the Defendants received a DMCA notice, including but not limited to the DMCA record.
- (b) Discussion of the document(s) that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers.
- (c) Discussion of the document(s) that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' customers in the each of the smallest of the following geographic region PA, West Reading, Reading Avenue, 19611.
- (d) Discussion of document(s) that refers or relates to or indicates the amount of internet bandwidth used by \_\_\_\_\_ during the past three years. Please provide these records in the smallest time increments that you maintain such records.
- (e) Discussion of any and all document(s) that refers, relates to, or comprises records of any television shows, movies, or any other form of audiovisual performance(s) which your records indicate(s) likely may have displayed on \_\_\_\_\_ television (or other device capable of viewing audiovisual performances) during the last three years. For the avoidance of doubt, we are not seeking to discuss a schedule of programs generally but instead to discussion the records which you may possess that indicate which programs or audiovisual performances \_\_\_\_\_ watched.
- (f) Explanation of each of the terms and use agreements which were in place between you and \_\_\_\_\_
- (g) Explanation of each of the privacy policies which were in place between you and \_\_\_\_\_
- (h) Explanation of the contracts which have ever been in force between you and \_\_\_\_\_
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- (o) Explanation of the process used to correlate the IP address with subscriber after the party has provided the initial subpoenaed information.

**FedEx**  
**MON - 24 DEC A1**  
**STANDARD OVERNIGHT**

TRK# 8017 4882 9827  
 0215

17101  
 PA-US  
 MDT

**ZN MDTA**



Emp# 383643 21DEC12 PNEA 515C1/BZB3/6F03

☐ **Next Business Day**  
 FedEx First Day  
 Earliest next business day  
 Monday unless SATURDAY delivery is selected.  
☐ **FedEx Priority Overnight**  
 Next business morning.  
 FedEx shipments will be delivered on Monday unless SATURDAY delivery is selected.  
☒ **FedEx Standard Overnight**  
 Next business afternoon.  
 Saturday delivery NOT available.  
☐ **FedEx Express Saver**  
 Third business day.  
 Saturday delivery NOT available.

fedex.com 1800.GoFedEx 1800.463.3339

**5 Packaging** \*Declared value limit \$200.  
☒ FedEx Envelope\* ☐ FedEx Pak\* ☐ FedEx Box ☐ FedEx Tube ☐ Other

**6 Special Handling and Delivery Signature Options**

☐ **SATURDAY Delivery**  
 NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.  
☐ **No Signature Required**  
 Package may be left without containing a signature for delivery.  
☐ **Direct Signature**  
 Someone at recipient's address may sign for delivery. Fee applies.  
☐ **Indirect Signature**  
 If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.  
 Does this shipment contain dangerous goods?  
☒ No ☐ Yes  
 One box must be checked.  
☐ Yes ☐ No  
 Shipper's Declaration  
 Dangerous goods (including flammable, explosive, or corrosive) must be shipped in a FedEx Express Drop Box.  
☐ **Day/leg**  
 Dry Van, 3, UN 1945 ☐ **Cargo Aircraft Only**

**7 Payment Bill to:**

☒ **Sender** ☐ **Recipient** ☐ **Third Party** ☐ **Credit Card** ☐ **Cash/Check**  
 Enter FedEx Acct. No. or Credit Card No. below.

**Total Packages** **Total Weight** **lbs.**

Your liability is limited to US\$200 unless you declare a higher value. See the current FedEx Services Guide for details.

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**FedEx** Package  
 Express **US Airbill**

8017 4882 9827

**1 From**  
 Date **01/25/13**

**Sender's Name** **FLURE & BARBER LLC**

**Address** **425 MAIN ST STE 200**

**City** **HARLEYSVILLE** **State** **PA** **ZIP** **17043-0311**

**2 Your Internal Billing Reference**

**3 To**  
 Recipient's Name **Corcast Corporation** **Phone**

**Company** **Corcast Corporation**

**Address** **442 Pine Street, Suite 300**

**City** **Harrisburg** **State** **PA** **ZIP** **17101**

**Address** **Use this line for the HOLD location address or for continuation of your shipping address.**

**Address** **Use this line for the HOLD location address or for continuation of your shipping address.**

0101258959



8017 4882 9827

fedex.com 1800.GoFedEx 1800.463.3339

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

Civil Action No. 5:12-cv-02088-MMB

MALIBU MEDIA, L.L.C.

Plaintiff,

v.

JOHN DOES 1, 13 and 14,

Defendants.

**PLAINTIFF'S NOTICE OF F.R.C.P. 30(b)(6) CORPORATE DEPOSITION  
OF RECORDS CUSTODIAN FOR COMCAST CABLE COMMUNICATIONS  
HOLDINGS, INC**

**PLEASE TAKE NOTICE** that on February 6th, 2013 beginning at 9:00 a.m., Plaintiff, MALIBU MEDIA, L.L.C., (hereinafter "Plaintiff"), by its attorneys, will take the deposition upon oral examination of the Records Custodian for COMCAST COMMUNICATIONS HOLDINGS, INC pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure pursuant to attached subpoena.

Dated: December 21, 2012

Respectfully submitted,

FIORE & BARBER, LLC

By: /s/ Christopher P. Fiore  
Christopher P. Fiore, Esquire  
Aman M. Barber, III, Esquire  
425 Main Street, Suite 200  
Harleysville, PA 19438  
Tel: (215) 256-0205  
Fax: (215) 256-9205  
Email: [cfiore@fiorebarber.com](mailto:cfiore@fiorebarber.com)  
ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2012, I served a copy of the foregoing upon the persons on the attached service list.

By: /s/ Christopher P. Fiore

**SERVICE LIST**

Leonard J. French, Esquire  
The Law Offices of Leonard J. French  
P.O. Box 9125  
Allentown, PA 18105  
Tel: (610)537-3537  
Email: ljfrench@leonardj french.com  
*Attorney for Doe 1*

*U.S. Mail and E-Mail*

---

Jordan Rushie, Esquire  
2424 East York Street, Suite 316  
Philadelphia, PA, 19125  
Tel: (215) 385-5291  
Email: Jordan@FishtownLaw.com  
*Attorney for John Doe 13*

*U.S. Mail and E-Mail*

---

Marc J. Randazza, Esquire  
Randazza Legal Group  
6525 W. Warm Springs Rd., Ste. 100  
Las Vegas, NV 89118  
Tel: (702) 757-1001  
rlgall@randazza.com  
*Attorney for John Doe 13 (pro hac vice pending)*

*U.S. Mail and E-Mail*

---

Thad M. Gelsinger, Esquire  
The Law Firm of Leisawitz Heller  
2755 Century Boulevard  
Reading, PA 19610  
Telephone: (610) 372-3500  
Facsimile: (610) 372-8671  
tgelsinger@LeisawitzHeller.com  
*Attorneys for John Doe 14*

*U.S. Mail and E-Mail*

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the Eastern District of Pennsylvania

Malibu Media, LLC.  <div style="text-align: center;">v.</div> John Does 1, 13 and 14,	<i>Plaintiff,</i>   <i>Defendant.</i>	<b>Civil Action No. #: 5:12-cv-02088-MMB</b>  UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSLYVANIA
--	--	---

**SUBPOENA DUCES TECUM WITH 30(b)(6) CORPORATE DEPOSITION  
OF RECORDS CUSTODIAN FOR COMCAST CABLE COMMUNICATIONS  
HOLDINGS, INC**

To: Comcast Corporation  
 c/o CT Corporation  
 116 Pine Street, Ste 320  
 Harrisburg, PA 17101

[X] *Production*: YOU ARE COMMANDED to appear at the time, date, and place set forth below and bring with you the documents responsive to the request set for on Schedule "A", and be prepared to discuss the topics set forth on Schedule "B".

In accordance with Rule 30(b)(6), Fed.R.Civ.P., COMCAST COMMUNICATIONS HOLDINGS, INC., shall designate one or more officers, directors or managing agents, or other persons who are most knowledgeable about the subject matter categories set forth in Exhibit "A". COMCAST COMMUNICATIONS HOLDINGS, INC., is requested to identify the designated witness for each of the subject matter categories set forth in Schedules "A" and "B" to counsel for Plaintiff no later than 5 p.m. EST on January 17, 2013. In addition, COMCAST COMMUNICATIONS HOLDINGS, INC., shall provide the documents responsive to Schedule "A" ten (10) days prior to the date of the deposition or January 25, 2013.

Place: Veritext Court Reporting 25B Vreeland Road Suite 301 Florham Park, NJ 07932	Date and Time: February 6th, 2013 @ 9:00 a.m.
---	--

[ ] *Inspection of Premises*: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

Christopher P. Fiore, Esq., Fiore & Barber, 425 Main Street, Suite 200, Harleysville, PA 19438,  
Telephone: (215) 256-0205 - Email: [cfiore@fiorebarber.com](mailto:cfiore@fiorebarber.com)



**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.****(1) Avoiding Undue Burden or Expense;**

**Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it

requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.****(1) Producing Documents or Electronically Stored Information.**

These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.**

The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C).

The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is



privileged or subject to protection as trial preparation material must: (i) expressly make the claim; and (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) *Information Produced.*** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Schedule A

- (a) Any and all document(s) that refers or relates to or comprises a record that the Defendants received a DMCA notice, including but not limited to the DMCA record.
- (b) A document that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers.
- (c) A document that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers each of the smallest following geographic region PA, Collegeville, Greene Meadow Drive, 19426.
- (d) Any and all documents that refer, relate to, or comprise records indicating the amount of internet bandwidth used by \_\_\_\_\_ during the past three years. Please provide these records in the smallest time increments that you maintain such records.
- (e) Any and all documents that refer, relate to, or comprise records of any television shows, movies, or any other form of audiovisual performance(s) which your accounts indicate likely may have displayed on \_\_\_\_\_ television (or other device capable of viewing audiovisual performances) during the last three years. For the avoidance of doubt, we are not seeking a schedule of programs generally but instead records which you may possess that indicate which programs or audiovisual performances \_\_\_\_\_ watched.
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- (l) A complete copy of each of the instruction(s) provided by you to \_\_\_\_\_ } in association with the internet service you provided to \_\_\_\_\_, or \_\_\_\_\_ usage thereof.
- (m) Complete copies of any or all notices, letters, bills, invoices and other Documents that you provided to Defendant.
- (n) Complete copies of any document, including documents on your website, to which Defendant had access, either directly or via the internet, which refers or relates to your policy concerning infringement of intellectual property rights over the internet.
- (o) The process used to correlate the IP address with subscriber after the party has provided the initial subpoenaed information.

Schedule B

- (a) Discussion of document(s) that refers or relates to or comprises a record that the Defendants received a DMCA notice, including but not limited to the DMCA record.
- (b) Discussion of the document(s) that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' for customers.
- (c) Discussion of the document(s) that sets forth and summarizes the average internet bandwidth usage of Verizon Internet Services' customers in the each of the smallest of the following geographic region PA, Collegeville, Greene Meadow Drive, 19426.
- (d) Discussion of document(s) that refers or relates to or indicates the amount of internet bandwidth used by \_\_\_\_\_ during the past three years. Please provide these records in the smallest time increments that you maintain such records.
- (e) Discussion of any and all document(s) that refers, relates to, or comprises records of any television shows, movies, or any other form of audiovisual performance(s) which your records indicate(s) likely may have displayed on television (or other device capable of viewing audiovisual performances) during the last three years. For the avoidance of doubt, we are not seeking to discuss a schedule of programs generally but instead to discussion the records which you may possess that indicate which programs or audiovisual performances \_\_\_\_\_ watched.
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- (o) Explanation of the process used to correlate the IP address with subscriber after the party has provided the initial subpoenaed information.

**FedEx**  
 TRK# 8017 4882 9838  
 MON - 24 DEC A1  
 STANDARD OVERNIGHT  
 17101  
 PA-US  
 MDT



Emp# 363643 21DEC12 PNEA 515C1/B2B3/6793

**4 Express Package Service**  
 NOTE: Service order has changed. Please see label for details.

**Next Business Day**

- ☐ **FedEx First Overnight**  
 Earliest next business morning delivery to a business address. Not available for residential addresses. Monday through Saturday. Delivery is subject to change.
- ☐ **FedEx Priority Overnight**  
 Next business morning. \*Friday shipment is guaranteed. Monday through Saturday. Delivery is subject to change.
- ☒ **FedEx Standard Overnight**  
 Next business afternoon. \*Saturday delivery NOT available.

**5 Packaging** \*Declared value limit \$500.

- ☒ **FedEx Envelope\***
- ☐ **FedEx Pak\***
- ☐ **FedEx Box**
- ☐ **FedEx Tube**
- ☐ **Other**

**6 Special Handling and Delivery Signature Options**

- ☐ **SATURDAY Delivery**  
 NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- ☒ **No Signature Required**  
 No signature required for delivery.
- ☐ **Direct Signature**  
 Signature required for delivery. Fee applies.
- ☐ **Indirect Signature**  
 Signature required for delivery. Fee applies.
- ☒ **Does this shipment contain dangerous goods?**
  - ☐ **No**
  - ☐ **Yes**
    - ☐ **One box must be checked.**
    - ☐ **Yes**
      - ☐ **As per attached Shipper's Declaration.**
      - ☐ **Shipper's Declaration not required.**
- ☐ **Dry Ice**  
 Dry Ice, UN 1845
- ☐ **Cargo Aircraft Only**

**7 Payment Bill to:**

- ☒ **Sender**
- ☐ **Recipient**
- ☐ **Third Party**
- ☐ **Credit Card**
- ☐ **Cash/Check**

**Total Packages** **Total Weight**

Your liability is limited to US\$100 unless you declare a higher value. See the current FedEx Services Guide for details.

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**FedEx** Package  
 Express  
 US Airbill

8017 4882 9838

**1 From** **Date** **Shipper's Name** **Company** **Address** **City** **State** **PA** **ZIP** **19438-2311**

Christopher P. Fiore Esq. Phone 215 254-0205

FIRORE & BARBER LLC

425 MAIN ST STE 200

HARLEYSVILLE

**2 Your Internal Billing Reference**

**3 To** **Recipient's Name** **Company** **Address** **City** **State** **PA** **ZIP** **17101**

Comcast Corporation

160 Pine Street, Suite 320

Harisburg

0101258959



8017 4882 9838